

# **EXHIBIT Y**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

VIRGINIA COALITION FOR IMMIGRANT RIGHTS; LEAGUE OF WOMEN VOTERS OF VIRGINIA; LEAGUE OF WOMEN VOTERS OF VIRGINIA EDUCATION FUND; AFRICAN COMMUNITIES TOGETHER,

*Plaintiffs,*

v.

SUSAN BEALS, in her official capacity as Virginia Commissioner of Elections; JOHN O'BANNON, in his official capacity as Chairman of the State Board of Elections; ROSALYN R. DANCE, in her official capacity as Vice-Chairman of the State Board of Elections; GEORGIA ALVIS-LONG, in her official capacity as Secretary of the State Board of Elections; DONALD W. MERRICKS and MATTHEW WEINSTEIN, in their official capacities as members of the State Board of Elections; and JASON MIYARES, in his official capacity as Virginia Attorney General,

*Defendants.*

Case No. 1:24-cv-01778

Judge Patricia Tolliver Giles

**DECLARATION OF ROBERT BRENT FERGUSON  
IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Robert Brent Ferguson, declare as follows:

1. I am an attorney representing Plaintiffs Virginia Coalition for Immigrant Rights, League Of Women Voters Of Virginia, League Of Women Voters Of Virginia Education Fund, and African Communities Together. I have been employed by Campaign Legal Center since May 2023. I currently serve as Senior Legal Counsel for Voting Rights. I am over the age of 18 and competent

to testify as to the matters set forth in this affidavit based on my own personal knowledge. This declaration is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

2. I submit this declaration to provide the Court true and correct copies of certain documents submitted in support of Plaintiffs' Motion for a Preliminary Injunction and Memorandum of Law in Support.

3. **Exhibit A** is a true and correct copy of the declaration of expert Micheal P. McDonald.

4. **Exhibit B** is a true and correct copy of the Memoranda of Understanding I reviewed, entered into by the Virginia Department of Motor Vehicles and Virginia Department of Elections in 2021 and 2024. It also contains the Memorandum of Understanding between the Virginia Board of Elections and the U.S. Department of Homeland Security Citizenship and Immigration Services in 2014.

5. **Exhibit C** is a true and correct copy of Executive Order 35 issued by Virginia Governor Glenn Youngkin on August 7, 2024.

6. **Exhibit D** is a true and correct copy of the Virginia Department of Elections manual regarding "Hopper Processing and Information: Step by Step Instructions" issued by the Virginia Department of Elections. It is my understanding and belief that this document was written by Kim Minor and revised by Divya Gautam and Vaidehi Maddireddy on October 5, 2023.

7. **Exhibit E** is a true and correct copy of a document I reviewed entitled "Notice of Intent to Cancel" and issued by the Alexandria City Office of Voter Registration on May 29, 2024.

8. **Exhibit F** is a true and correct copy of a document I reviewed entitled "Affirmation of U.S. Citizenship" form issued by the Arlington County Elections Office of Voter Registration.

9. **Exhibit G** is a true and correct copy of a document I reviewed entitled "Voter Registration Cancellation Notice" issued by the Arlington County Elections Office.

10. **Exhibit H** is a true and correct copy of the meeting minutes I reviewed for the Arlington County Electoral Board meeting on September 10, 2024.
11. **Exhibit I** is a true and correct copy of the document I reviewed entitled “Policy For Referring Individuals Who Were Removed From The Voter Rolls” from the Fairfax County Office of Elections dated September 16, 2024.
12. **Exhibit J** is a true and correct copy of the meeting minutes I reviewed for the Fairfax County Electoral Board meeting on August 15, 2024.
13. **Exhibit K** is a true and correct recording I listened to of the Prince William County Electoral Board meeting on September 30, 2024. The video was published on October 2, 2024. The recording is available at <https://perma.cc/5GQ6-RUQD>. Plaintiffs’ counsel have retained a persistent, offline copy of this video file.
14. **Exhibit L** is a true and correct copy of the Electoral Board Meeting Agenda for the Loudoun County Electoral Board Office of Elections and Voter Registration meeting on September 12, 2024.
15. **Exhibit M** is a true and correct copy of the public records request submitted by Plaintiff VACIR to the Virginia Departments of Motor Vehicles and Elections and the Virginia Offices of the Attorney General and Governor on August 20, 2024.
16. **Exhibit N** is a true and correct copy of the Virginia Department of Elections’ correspondence with Plaintiffs’ counsel, Ryan Snow, regarding VACIR’s August 20, 2024 public records request.
17. **Exhibit O** is a true and correct copy of the “Notice of Violation of National Voter Registration Act and Demand for Remediation and Documents” letter sent by Plaintiffs to Commissioner Beals and the Virginia Department of Elections on October 3, 2024.

18. **Exhibit P** is a true and correct copy of the September 19, 2024 letter sent by Commissioner Beals to the Office of Governor Youngkin regarding the compliance with Executive Order 35.
19. **Exhibit Q** is a true and correct copy of the “Annual List Maintenance Report” submitted by the Virginia Department of Elections to the Virginia General Assembly on October 2, 2024.
20. **Exhibit R** is a true and correct copy of correspondence I reviewed between Virginia Department of Election official Matthew Norcutt’s September 13-16, 2024 and Fairfax County Deputy General Registrar Cheryl Jones.
21. **Exhibit S** is a true and correct copy of a September 5, 2024 article by Markus Schmidt and published in the Virginia Mercury titled “Virginia’s top elections official warns of possible delays in mail-in voting this year.” This article is available at <https://perma.cc/9M3A-TFFM>.
22. **Exhibit T** is a true and correct copy of Attorney General Jason Miyares’ post on X at 1:57 pm ET on August 7, 2024. This post is permanently stored at <https://perma.cc/6JGJ-KLJD>.
23. **Exhibit U** is a true and correct copy of an October 9, 2024 Washington Post article by Gregory S. Schneider and Laura Vozzella titled “Youngkin stokes fear of vast noncitizen voting in Virginia. Records don’t show it.” This post is available at <https://www.washingtonpost.com/dc-md-va/2024/10/09/youngkin-noncitizen-voters-virginia/>.
24. **Exhibit V** is a true and correct copy of the declaration of Monica Sarmiento on behalf of Plaintiff VACIR.
25. **Exhibit W** is a true and correct copy of the declaration of Joan Porte on behalf of Plaintiff LWVVA.
26. **Exhibit X** is a true and correct copy of the declaration of Gigi Traore on behalf of Plaintiff ACT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 14, 2024 in Washington, District of Columbia.

/s/ R. Brent Ferguson

Robert Brent Ferguson